

**IN THE MATTER OF THE PETITION OF INHABIT EASTLAKE LLC. FOR
THE VACATION OF A SUBTERRANEAN PORTION OF E. HOWE STREET
BETWEEN EASTLAKE AVENUE E. AND FAIRVIEW AVENUE E. IN THE
EASTLAKE NEIGHBORHOOD**

CLERK FILE 313430

The City Council hereby grants approval of the vacation petition from Inhabit Eastlake LLC. for the vacation of a subterranean portion of E. Howe Street between Eastlake Avenue E. and Fairview Avenue E. in the Eastlake neighborhood, described as:

**That portion of East Howe Street, also known as Bloomfield Street, Hilton Addition to the City of Seattle, recorded in Volume 3 of Plats, page 157, records of King County, Washington, more particularly described as follows; Commencing at a punched 5/8" brass plug in concrete in cast iron case, down 0.80' feet, 5.00 feet southerly of the centerline of East Howe Street, as it runs east, and the centerline of Eastlake Avenue East;
Thence South 12°48'31" East, along the centerline of Eastlake Avenue East, a distance of 10.46 feet to the centerline of East Howe Street as it runs west;
Thence North 88°58'36" West, along the centerline of said East Howe Street, a distance of 40.44;
Thence South 12°48'35" West, a distance of 15.45 feet to the north line of Lot 1, Block 3, of said Hilton Addition, being 1.82' West of the northeast corner of said Lot 1, also being the True Point of Beginning;
Thence North 88°58'36" West, a distance of 76.86 feet;
Thence North 60°27'03" West, a distance of 62.82 feet to the north line of said East Howe Street;
Thence South 88°58'36" East, along said line, a distance of 124.67 feet;
Thence South 12°48'35" West, a distance of 30.90 feet to the True Point of Beginning;
The upper limit of vertical space contained within this description shall be an elevation of 50.00 feet;
The lower limit of vertical space contained within this description shall be to the lowest limit of legal ownership;
Said elevations described herein are expressed in terms of the North American Vertical Datum of 1988 (NAVD D88) as of the date of this instrument and are based on City of Seattle Benchmark Number "SNV-5117", being a 2" brass cap, 0.5' south and east of the intersection of back of sidewalks at the southwest quadrant of the intersection of Eastlake Avenue East and Fairview Avenue East, having an elevation of 37.54 feet; Situate in the City of Seattle, King County, Washington;**

The alley proposed for vacation includes approximately 3,023 square feet beginning six feet (+) below grade.

The subterranean vacation, beginning at six feet (6+) below the surface of the street, is granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate, to the satisfaction of the City, that all conditions imposed by the City Council have been satisfied, all utility work including easements or other agreements is completed, all public benefit elements have been developed, and any other easements or agreements have been recorded, and all fees paid, prior to the passage of the street vacation ordinance.

1. The subterranean vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Transportation Committee in December of 2014.
2. Any required street improvements shall be designed to City standards, as modified by these conditions to implement the Public Benefit requirements, and be reviewed and approved by the Seattle Department of Transportation.
3. The utility issues shall be resolved to the full satisfaction of the affected utility prior to the approval of the final vacation ordinance. Prior to the commencement of any development activity on the site, the Petitioner shall work with the affected utilities and provide for the protection of the utility facilities. This may include easements, restrictive covenants, relocation agreements, or installation, acquisition and maintenance of the utilities, which shall be at the sole expense of the Petitioner. Utilities impacted include:
 - Seattle Public Utility: require that the development begin at 6+ feet below grade, the Petitioner install, maintain and own the drainage system in the right-of-way, and the Petitioner sign an indemnity agreement acceptable to the City prior to the passage of the final vacation ordinance;
 - Seattle City Light: require the Petitioner to complete an agreement satisfactory to SCL regarding removal or relocation of existing service and location of new service prior to the passage of the final vacation ordinance; and
 - CenturyLink: complete agreement regarding relocation or retention of services.
4. It is expected that development activity will commence within 18 months of this approval and that development activity will be completed within 5 years. In order to insure timely compliance with the conditions imposed by the City Council, the Petitioner shall provide the Seattle Department of Transportation Street Vacation staff with Quarterly Reports, following Council approval of the vacation, providing an update on the development activity, schedule, and progress on

meeting the conditions. The Petitioner shall not request or be issued a Final Certificate of Occupancy (C of O) for the project until SDOT has determined that all conditions have been satisfied and all fees have been paid.

5. In addition to the conditions imposed through the vacation process, the project, as it proceeds through the permitting process, is subject to SEPA review and to conditioning pursuant to various City codes and through regulatory review processes including SEPA.
6. The Petitioner shall develop and maintain all of the public benefit elements as proposed and accepted by the City Council. A Property Use and Development Agreement (PUDA) or other binding mechanism shall be required to ensure that public benefit elements remain open and accessible to the public and to outline future maintenance obligations of the improvements, unless such obligations are addressed in other agreements. The final design of these public benefit elements shall require the review and approval of SDOT Street Vacations. The public benefit requirement includes the following features as well as corresponding development standards, including approximate square footage dimensions, and appropriate public signage which shall be outlined in the PUDA or other agreements:

E HOWE ST SUBTERRANEAN VACATION PUBLIC BENEFIT MATRIX

PUBLIC BENEFIT	DESCRIPTION	REQD	ADD'L PROVIDED	TOTAL	NOTES
1 Public Open Space at Grade E Howe St (4573 SF)	Hardscape				
	4'x4', 4'x8', 8'x8' scored concrete			3682 SF	
	3"x12" sand-set pavers			348 SF	
	Landscape				
	Ground cover/in-ground planters	320 SF	52 SF	372 SF	
	Street trees	8		4	
	Public Seating				
	2'x2' seat cubes			28 SF	7 seats
	2' seat wall			143 SF	±28 seats @ 5 SF/person
	Lighting				
	Inset pavement up-lights at art			4	
2 Site-scaled Public Art	"Reunion"			1	
	Powder-coated steel sculpture by Mike Phiher				
3 Voluntary Building Setbacks from E Howe St	1823 Eastlake Ave E				
	4' setbacks at street level			74 LF	
	7' setbacks at street level			12 LF	
	12' setbacks at street level			4 LF	
	1903 Yale Pl E				
	4-story building setbacks			61 LF	
4 Streetscape Enhancements	Street level setbacks			23.5 LF	
	Eastlake Ave E				
	ROW landscaping	280 SF	520 SF	800 SF	
	Bike racks	1	1	2	2 racks = 4 bike spaces
	Pedestrian signage			1	
	Yale Pl E				
	ROW landscaping	300 SF	87 SF	387 SF	
	Bike racks	1	3	4	4 racks = 8 bike spaces

Signed by me in open session this _____day of December, 2014.

President _____of the City Council